

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

MANTHORPE et al.

Appl. No.

09/839,574

Filed: April 23, 2001

For:

Compositions and Methods for in

vivo Delivery of Polynucleotide-

Based Therapeutics

Confirmation No.: 1437

Art Unit:

1635

Examiner:

Schnizer, R.A. CENTER 1600/2900

Atty. Docket: 1530.0180002/EKS/AES

Request To Add Inventors In A Nonprovisional Patent Application Under 37 C.F.R. § 1.48(c)

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Applicants request that the United States Patent and Trademark Office correct inventorship in the above-captioned nonprovisional patent application. The above-captioned application disclosed unclaimed subject matter that is now being claimed. Specifically, Applicants request that the United States Patent and Trademark Office add Jennifer MEEK to the inventive entity. Accordingly, upon entry of this request, the inventive entity would be changed from Marston MANTHORPE, Jukka HARTIKKA and Loretta SUKHU to Marston MANTHORPE, Jukka HARTIKKA, Loretta SUKHU and Jennifer MEEK.

This request is accompanied by:

A statement from each person to be added as an inventor **(1)** stating that the amendment to the inventorship is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intention on his or her part;

- (2) An oath or declaration by the actual inventor or inventors as required by 37 C.F.R. § 1.63 or as permitted by 37 C.F.R. §§ 1.42, 1.43 or 1.47;
- (3) The written consent of the assignee of the originally named inventors;
- (4) A copy of the Certificate under 37 C.F.R. § 3.73(b) executed by the assignee named in part (3) as filed on August 17, 2001; and
- (5) The processing fee as set forth under 37 C.F.R. § 1.17(i).

Applicants hereby authorize the U.S. Patent and Trademark Office to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this request is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Aux - Summefuld

Ann E. Summerfield Attorney for Applicants Registration No. 47,982

Date: Systember 11,2003

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

SKGF_DC1:176129.1





Certificate Under 37 C.F.R. § 3.73(b)

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Applic	cant/Patent Owner: Marston Manthorpe, Juk	ka Hartikka and Loretta Sukhu	"ECEIVE
	cation No./Patent No.: 09/839,574		SEP 15 2003
			TECH CENTER 1600/290
Entitle	d: Compositions and Methods for in vivo	Delivery of Polynucleotide-Based Th	
	Incorporated , a co		
	(Name of Assignee)	(Type of Assignee, e.g., corporation, partnership, un	iversity, government agency,etc.)
states t	hat it is:		
1. [X]	the assignee of the entire right, title, and i	nterest, or	
2. []	an assignee of an undivided part interest		
in the p	patent application/patent identified above by	virtue of either:	
A. [X]	An Assignment from the inventor(s) of the recorded in the Patent and Trademark Offattached.	e patent application/patent identified a ice at Reel, Frame, or for	bove. The assignment was which a copy thereof is
OR	ditabled.		
B. []	A chain of title from the inventor(s) of the assignee as shown below:	e patent application/patent identified at	pove to the current
	1. From: To: _		
	The document was recorded in the	ne Patent and Trademark Office at, or for which a copy thereof is a	ttached.
	2. From: To:		
		ne Patent and Trademark Office at, or for which a copy thereof is at	ttached.
	3. From: To:		
	Reel, Frame	e Patent and Trademark Office at, or for which a copy thereof is at	tached.
	[] Additional documents in the chain of t	itle are listed on a supplemental sheet.	
[X] Cop	pies of assignments or other documents in the [NOTE: A separate copy (i.e., the original)	e chain of title are attached.	of the original
	document) must be submitted to Assignment assignment is to be recorded in the records	ent Division in accordance with 37 CF	R Part 3, if the
The unc	dersigned (whose title is supplied below) is	empowered to act on behalf of the assignment	gnee.
Date: _	July 12, 2001		
Name:	Alan E. Dow		
Γitle:	Vice President and	d General Counse	1
Signatuı	re: Alan En Dow	-	



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Statement Under 37 C.F.R. § 1.48(a)(2) of A Person To Be Added Or Deleted As An Inventor

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

I am an inventor/coinventor of the invention of one or more claims in the above-captioned nonprovisional application for which an oath or declaration under 37 C.F.R. § 1.63 has been filed erroneously not naming me as an inventor. The inventorship error occurred without deceptive intent on my part. I have read and understand 37 C.F.R. § 10.18(b).

•

Jennifer Meek

super Jule Date: 05 Sept 03



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Atty Docket: 1530.0180002/EKS/AES

Consent of the Assignee Under 37 C.F.R. § 1.48(a)(5)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Vical Incorporated, assignee of the entire right, title and interest of the originally named inventors of the above-captioned application, consents to the change in inventorship from Marston Manthorpe, Jukka Hartikka, and Loretta Sukhu to Marston Manthorpe, Jukka Hartikka, Loretta Sukhu, and Jennifer Meek. I have read and understand 37 C.F.R. § 10.18(b).

	For: Vical Incor	porated	
Title:	Signature: A	an Ei	Dow
Title:	Type or PriAl Trans	e Dow, PhD	
- P 1		esideni & G	eneral Counset
Date: 5 Sept. 2003	Date: <u>5</u> S	ept. 2	003



Declaration for Patent Application

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Docket Number: 15 1160mgKS/AES

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

SEEM CENTER 1600/2900

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled **Compositions and Methods for in vivo Delivery of Polynucleotide-Based Therapeutics**, the specification of which is attached hereto unless the following box is checked:

was filed on <u>April 23, 2001</u>;
 as United States Application Number <u>09/839,574</u>; and
 was amended on <u>March 22, 2002</u>, and <u>December 23, 2002</u> (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f) or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application, which designated at least one country other than the United States of America, listed below, and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)			Priority	Claimed
(Application No.)	(Country)	(Day/Month/Year Filed)	9 Yes	9 No
(Application No.)	(Country)	(Day/Month/Year Filed)	9 Yes	9 No
Send Correspondence to:	STEDNE VEGGLE	COLDSTED & FOURTH		
	1100 New	R, GOLDSTEIN & FOX P.L.L.C. V York Avenue, N.W. on, D.C. 20005-3934		
Direct Telephone Calls to:				

(202) 371-2600

Docket Number: <u>1530.0180002/EKS/AES</u>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of sole or first inventor		
:	Marston Manthorpe	
Gitime of1- on Goat inventor	A	
Signature of sole or first inventor	[[] [] [] [] [] [] [] [] [] [] [] [] []	Date/
	11) Mart //Vaistlete	9/5/62
Residence	Company of	
	12418 KESTREL STREET, SAN DIEGO, CALIFORNIA 92	120
	12410 RESTREE STREET, DAN DIEUU, CALIFURNIA 92	129
Citizenship		
	U.S.A.	
Mailing Address		
Mailing Address	Campa an abassa	
	Same as above	
<u> </u>		
Full name of second inventor		
	Jukka Hartikka	30 10 10
	JOHN IIMM	09-05-03
Signature of second inventor		Date
	P 111 10 17	Date
	Lullea Ratituca	
Residence		
	10804 SUNSET RIDGE DRIVE, SAN DIEGO, CALIFORNI	A 92131-2392
Citizenship		
Citizensinp	English AND	
	Finland	
Mailing Address		
	Same as above	
Full name of third inventor		
	Loretta Sukhu	
Signature of third inventor		Date
	Loreda Sudl	9/5/03
Residence	POICE PARTY	1/3/2
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	10314 Wateridge Circle, #276, San Diego, Calif	ORNIA 92121
Citizenship		
•	Canada	
Mailing Address		
	Same as above	

Docket Number: <u>1530.0180002/EKS/AES</u>

	Jennifer Meek	•
Signature of fourth inventor		Date
	Junyer need	05 Sept 03
Residence	2910 Naugatuck Avenue, San Diego, California 92117	
Citizenship	U.S.A.	
Mailing Address	Same as above	

SKGF Rev. 5/16/01 mac

(Supply similar information and signature for subsequent joint inventors, if any)